

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

ROBERT A. SHEPHERD,

Petitioner,

vs.

ASSISTANT WARDEN FENDER;  
ATTORNEY GENERAL OF THE  
STATE OF MONTANA,

Respondents.

Cause No. CV 14-55-GF-DLC-RKS

**FINDINGS AND  
RECOMMENDATION TO DENY  
MOTION TO PROCEED IN  
FORMA PAUPERIS**

This case comes before the Court on Petitioner Robert A. Shepherd's application for writ of habeas corpus. Mr. Shepherd is a state prisoner proceeding pro se.

Although he was advised he should do so, Mr. Shepherd did not submit a statement of his prison trust account. In his motion, however, he states that in the last 12 months he received a "one time payment" from an insurance company of \$5,280.00 and he has \$740.00 in cash or checking or savings accounts. Mot. (Doc. 2) at 2 ¶¶ 6-7. Despite his debts, *id.* at 3 ¶¶ 9-11, Mr. Shepherd can afford to pay the \$5.00 filing fee for this action.

If Mr. Shepherd does not timely pay the fee, the Court will recommend dismissal of the action. If, at a later stage of the action, Mr. Shepherd incurs expenses that may be paid by public funds, he may reapply to proceed in forma

pauperis.

The court FINDS:

1. Mr. Shepherd is able to pay the \$5.00 filing fee for his petition.

The court RECOMMENDS:

1. The motion to proceed in forma pauperis (Doc. 2) should be DENIED.
2. Mr. Shepherd should be ordered to pay the \$5.00 filing fee for this action on or before September 17, 2014.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATION  
AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may object to this Findings and Recommendation within 14 days. 28 U.S.C. § 636(b)(1). Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

Mr. Shepherd must immediately notify the Court of any change in his mailing address by filing a “Notice of Change of Address.” Failure to do so may result in dismissal of this case without notice to him.

DATED this 25<sup>th</sup> day of August, 2014.

/s/ Keith Strong  
Keith Strong  
United States Magistrate Judge